

## **610 EYEWITNESS IDENTIFICATION**

### **610.1 PURPOSE AND SCOPE**

This policy is to be used when members of this department employ eyewitness identification techniques.

#### **610.1.1 DEFINITIONS**

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### **610.2 POLICY**

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### **610.3 INTERPRETIVE SERVICES**

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### **610.4 EYEWITNESS IDENTIFICATION FORM**

The Operations Support Bureau Commander shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- a. The date, time and location of the eyewitness identification procedure.
- b. The name and identifying information of the witness.

- c. The name of the person administering the identification procedure.
- d. If applicable, the names of all of the individuals present during the identification procedure.
- e. An admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.
- f. An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- g. A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

## **610.5 EYEWITNESS IDENTIFICATION**

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

### **610.5.2 FIELD IDENTIFICATION CONSIDERATIONS**

## **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, the photographic lineup presented to the witness should be included in the case report by submitting it to the Evidence Unit. In addition, the order in which the photographs were presented to the witness should be documented in the case report.